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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,859	04/26/2005	Simon Spoors	0211-260	2197

22440 7590 04/20/2006

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EXAMINER

NICHOLSON III, LESLIE AUGUST

ART UNIT	PAPER NUMBER
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3651

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/532,859	Applicant(s) SPOORS, SIMON	
	Examiner Leslie A. Nicholson III	Art Unit 3651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 15-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 15-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. This application does not contain an abstract of the disclosure on a separate sheet as required by 37 CFR 1.72(b).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 5 and 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear how the retaining means are "free from (or avoiding)... surfaces which are horizontal in use". Horizontal to what degree? It appears from at least fig.18 that the uppermost surface of element 12c is horizontal as well as between the ribbed portions of element 51.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1,3,15,17,28, and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Krampf USP 6,814,215.

Krampf discloses a similar conveyor comprising:

- A belt platform (see figures) (C2/L51-54)
- A platform support arrangement (2,2',2'')
- Substantially the whole of said belt platform is a unitary component from a single sheet of metal (fig.2,3) (C2/L13-15, L54-59)
- Said platform support arrangement is a unitary component from a single sheet of metal (C2/L13-15, L54-59)
- Said conveyor is configured to be constructed substantially without use of welding or threaded fasteners (at least abstract)
- Wherein the belt platform and the platform support arrangement are separate sheet metal components (fig.2,3) (C4/L18-31)

6. Claims 1,2,15,16,28,29, and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Michel FR 2663309 A1.

Michel discloses a similar conveyor comprising:

- A belt platform (18)
- A platform support arrangement (6,12)

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- Substantially the whole of said belt platform is a unitary component from a single sheet of metal (fig.2,4)
- Said platform support arrangement is a unitary component from a single sheet of metal (fig.2,4)
- Said conveyor is configured to be constructed substantially without use of welding or threaded fasteners (fig.2,4)
- Wherein the belt platform and the platform support arrangement are integrally formed from a sheet metal components (fig.2,4)

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Michel FR 2663309 A1 in view of Steeber USP 5,601,180.

Michel discloses all the limitations of the claim (see ¶6), but does not expressly disclose retaining means for coupling said belt platform on said platform support arrangement, or said retaining means being free from welds, threaded fasteners, and surfaces which are horizontal in use.

Steeber teaches retaining means for coupling said belt platform on said platform support arrangement, said retaining means being free from welds, threaded fasteners,

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and surfaces which are horizontal in use for the purpose of the retaining means having the ability to slide along the side beams (fig.13).

At the time of invention it would have been obvious to one having ordinary skill in the art to employ retaining means for coupling said belt platform on said platform support arrangement, said retaining means being free from welds, threaded fasteners, and surfaces which are horizontal in use, as taught by Steeber, in the device of Michel, for the purpose of the retaining means having the ability to slide along the side beams.

9. Claims 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Michel FR 2663309 A1 in view of Hubbell USP 2,523,829.

Michel discloses all the limitations of the claim (see ¶16) and further discloses a belt roller assembly (1,2) supported at each end of the platform, wherein at least one of said roller assemblies includes extensible means (26), and wherein detachable cover members are fitted over the ends of the side beams and the associated parts of the roller assemblies (fig.4), but does not expressly disclose the platform including spaced elongate channel-shaped side beams arranged with their open faces mutually presented, wherein said roller assemblies are slidably received within the channel sections of the side beams.

Hubbell teaches the platform including spaced elongate channel-shaped side beams (96) arranged with their open faces mutually presented, wherein said roller assemblies are slidably received within the channel sections of the side beams (fig.13)

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for the purpose of increasing or decreasing the length of the conveyor to suit changes in the conditions of use (C1/L3-8).

At the time of invention it would have been obvious to one having ordinary skill in the art to employ the platform with spaced elongate channel-shaped side beams arranged with their open faces mutually presented, wherein said roller assemblies are slidably received within the channel sections of the side beams, as taught by Hubbell, in the device of Michel, for the purpose of increasing or decreasing the length of the conveyor to suit changes in the conditions of use.

10. Claims 22,25, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Michel FR 2663309 A1 in view of Weeks USP 4,475,648.

Michel discloses all the limitations of the claim (see ¶16), but does not expressly disclose the belt platform supported by integral leg structures defining two pairs of support legs disposed adjacent opposite ends of the platform respectively, each leg structure including first and second ground engaging parts disposed respectively generally beneath said first and second side rails in use, each ground engaging part carrying a ground engaging foot being vertically adjustable in use.

Weeks teaches the belt platform supported by integral leg structures defining two pairs of support legs (16) disposed adjacent opposite ends of the platform respectively, each leg structure including first and second ground engaging parts (20) disposed respectively generally beneath said first and second side rails (24) in use, each ground

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engaging part carrying a ground engaging foot being vertically adjustable in use (fig.4,5) for the purpose of accommodating irregularities in the floor (C6/L45-49).

At the time of invention it would have been obvious to one having ordinary skill in the art to employ the belt platform with integral leg structures defining two pairs of support legs disposed adjacent opposite ends of the platform respectively, each leg structure including first and second ground engaging parts disposed respectively generally beneath said first and second side rails in use, each ground engaging part carrying a ground engaging foot being vertically adjustable in use, as taught by Weeks, in the device of Michel, for the purpose of accommodating irregularities in the floor.

11. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Michel FR 2663309 A1 in view of Weeks USP 4,475,648 further in view of Steeber USP 5,601,180.

Michel discloses all the limitations of the claim (see ¶16), but does not expressly disclose each leg structure of the platform support arrangement including a first component integral with one of said side beams and a second component fixed in use to the other of said side beams by way of a retainer.

Steeber teaches each leg structure of the platform support arrangement including a first component integral with one of said side beams and a second component fixed in use to the other of said side beams by way of a retainer for the purpose of the retaining means having the ability to slide along the side beams (fig.13).

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At the time of invention it would have been obvious to one having ordinary skill in the art to employ each leg structure of the platform support arrangement with a first component integral with one of said side beams and a second component fixed in use to the other of said side beams by way of a retainer, as taught by Steeber, in the device of Michel, for the purpose of the retaining means having the ability to slide along the side beams.

12. Claims 6,24, (see ¶¶9,11) and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Michel FR 2663309 A1 in view of Weeks USP 4,475,648 (or Steeber USP 5,601,180) further in view of Kasai USP 4,704,772.

Michel discloses all the limitations of the claim (see ¶¶6), but does not expressly disclose the use of moulded synthetic resin.

Kasai teaches the use of moulded synthetic resin for the purpose of using a material that is rigid (C2/L28,29).

At the time of invention it would have been obvious to one having ordinary skill in the art to employ the use of moulded synthetic resin, as taught by Kasai, in the device of Michel, for the purpose of using a material that is rigid.

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Conclusion

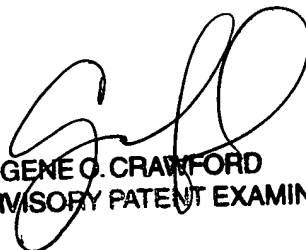
13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie A. Nicholson III whose telephone number is 571-272-5487. The examiner can normally be reached on M-F, 8:30 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on 571-272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

L.N.
4/13/2006


GENE Q. CRAWFORD
SUPERVISORY PATENT EXAMINER